

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SALISBURY,

No. C-06-2993 MMC

Plaintiff,

**ORDER SETTING BRIEFING SCHEDULE  
RE: RULE 56(f) MOTION; SETTING  
DEADLINE TO FILE RULE 36(b)  
MOTION; VACATING HEARING ON  
MOTION FOR SUMMARY JUDGMENT**

v.

DETECTIVE MICHAEL WARD, et al.,

Defendants.

(Docket No. 95)

Before the Court is defendants' motion, filed May 8, 2007, for summary judgment. On June 4, 2007, plaintiff filed, pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, a motion for a continuance of the deadline to file opposition to the motion for summary judgment, on the grounds that plaintiff first must (1) move, pursuant to Rule 36(b) of the Federal Rules of Civil Procedure, to set aside his deemed admissions to defendants' requests for admission, and (2) obtain a copy of the deposition of his own expert. Because plaintiff's Rule 56(f) motion was untimely filed after defendants filed their reply in support of their motion for summary judgment, defendants have not had an opportunity to respond to plaintiff's motion.

Accordingly,

1. No later than June 20, 2007, defendants shall file a response to plaintiff's Rule 56(f) motion. The Rule 56(f) motion shall stand submitted as of said date unless the Court after reviewing defendant's response, determines that further briefing or argument is


1 necessary.

2 2. No later than June 15, 2007, plaintiff shall file any motion for relief under Rule  
3 36(b), and notice said motion before Magistrate Judge Zimmerman.

4 3. The June 15, 2007 hearing on defendants' motion for summary judgment is  
5 hereby VACATED.

6 **IT IS SO ORDERED.**

7 Dated: June 8, 2007

  
MAXINE M. CHESNEY  
United States District Judge